

**GOVERNMENT OF TELANGANA
ABSTRACT**

Tribal Welfare Department – Bhadradri Kothagudem District –Issue of Agency Area Local ST Certificates under GO Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Appeal filed by Sri Bhukya Naresh S/o Bitcha R/o H.No.2-1-2/4, Chunchupalli village & Mandal, Bhadradri Kothagudem District against rejection made by Project Officer, ITDA Bhadrachalam & Chairman, DLSC vide Lr.Rc.No.A1/DD(TW)/1621/2019, dt.16.12.2019 & 25.02.2021 – Appeal Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.49

Date: 25.06.2021

Read the following:-

1. GO Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Letter Rc.No. A1/DD (TW)/ 1621/2019, Dt. 16.12.2019 of the Project Officer, ITDA, Bhadrachalam, Bhadradri Kothagudem District & Chairman DLSC.
3. Representation of Bhukya Naresh S/o Bitcha, R/o H.No.2-1-2/4, Chunchupalli village & Mandal Bhadradri Kothagudem District dated: 27.01.2020 & 21.12.2020.
4. Govt.Memo.No.271/TW.LTR/2020, dated:13.02.2020, 25.01.2021 & 17.02.2020.
5. Representation along with enclosures received from Bhukya Naresh S/o Bitcha R/o H.No.2-1-2/4, Chunchupalli village & Mandal, Bhadradri Kothagudem District dated 09.02.2021.
6. Govt. Notice No. 271/TW.LTR/2020, Dated 22.02.2021
7. Letter Rc.No. A1/DD (TW)/ 1621/2019, Dt. 25.02.2021 of the Project Officer, ITDA, Bhadrachalam, Bhadradri Kothagudem District & Chairman DLSC.

ORDER:

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the Project Officer, ITDA, Bhadrachalam, Bhadradri Kothagudem District & Chairman DLSC in the references 2nd & 7th cited, informed that in which the LST Certificate of the applicant Bhukya Naresh S/o Bitcha R/o H.No.2-1-2/4, Chunchupalli village & Mandal, Bhadradri Kothagudem District was rejected based on the remarks of the DLSC Committee headed by the Project Officer, ITDA, Bhadrachalam & Chairman DLSC.

3. The brief facts of the case are that in the reference 3rd cited, Sri Bhukya Naresh S/o Bitcha R/o H.No.2-1-2/4, Chunchupalli village & Mandal, Bhadradri Kothagudem District has submitted a representation before the Government 8.2.2020 stating that he has been selected for the post of Veterinary Assistant but his claim of agency candidature has been rejected in the DLSC – therefore, prayed to consider an opportunity to prove his case.

4. In the reference 4th cited, Government has forwarded the above representation to the Collector & District Magistrate, Bhadradri Kothagudem and PO ITDA Bhadrachalam to examine and take necessary action as per rules.

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5. The individual has submitted another representation in the reference 5th cited, that he has been selected for the post of Veterinary Assistant through TSPSC vide Notification No.30/2017 and as per the instructions of the PO ITDA Bhadrachalam, he is submitting representation to the Government as Appeal requesting to examine his case for considering as Agency Area Local ST.

6. Accordingly, in the reference 4th cited, vide Govt.Memo.dt.17.02.2021 while admitting the above representation as an Appeal under GO Ms.No.24, dt.12.6.2018, the Collector & District Magistrate, Bhadradi Kothagudem and Project Officer, ITDA, Bhadrachalam have been requested to furnish connected records along with para-wise remarks and posted the Appeal for hearing on 27.2.2021.

7. In compliance to the Govt. Memo. dt.17.02.2021, the PO ITDA Bhadrachalam, in the reference 7th cited, has furnished remarks and record pertaining to the case of the appellant Sri Bhukya Naresh S/o Bitcha through Lr.Rc.No.A1/DD(TW)/1621/2019, dt.25.02.2021 – wherein the following reasons have been reported for rejection of Agency Area Certificate by the Committee:

- On verification of LST file, the applicant has not submitted any record of evidence regarding the land i.e. Sethwar/Khasra/Theensal and link documents of pedigree. He has not established prescribed Record of evidence for their existence of forefathers at the time of 1950s. The genuinity of Agency Area Certificate is not proved. Hence, rejected.

8. The following documents are examined:

i) Self Declaration duly Notarized by T.E.Kiran Kumar, B.Com., LL.B., Notary & Advocate, Bhadradi Kothagudem, made before the Tahsildar, Chunchupalli describing Family Tree as follows:

- o Bhukya Laakya is great great grandfather. He has only one son namely Bhukya Bhikya who relates as great grandfather.
- o Bhukya Bhikya i.e. great grandfather has two sons namely 1) Bhukya Mangya (grandfather) and 2) Bhukya Daniya @ Danjya.
- o Bhukya Mangya i.e. grandfather has two sons namely 1) Bhukya Bitcha (father of appellant) and 2) Bhukya Kishan.
- o Bhukya Bitcha i.e. father of appellant has 3 daughters and 1 son namely 1) Bharathi (eldest daughter) 2) Naresh (appellant) 3) Kumari (2nd daughter) and 3) Rajitha (3rd daughter).

ii) Copy of letter Rc.No.B/166/2021, dt.04.03.2021 issued by Sri K.Nagaraju, Tahsildar, Chunchupalli to the appellant Sri Bhukya Naresh S/o Bitcha – as a reply to the appellant under RTI application made by him requesting for copies of pahanies pertaining to Sy.Nos.74/E and 9/2 from 1960 onwards. The

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Tahsildar, Chunchupalli while informing him non-availability of pahanies for the years 1958-59, 1985-86, 1990-91, 1995-96, 2001-2005-2006, 2010-2011, 2015-16, 2017-18, supplied copies of pahanies for the remaining years total (15) pages.

- iii) Copy of pahani for teensal pahani for the years 1955-56 to 1957-58 pertaining to Chunchupalli village – Sy.No.9/2 – extent acs.3.14 gts recorded in the name of Bhukya Lakya (great great grandfather of appellant).
- iv) Copy of pahani for 1958-59 - name of Bhukya Lakya (great grandfather) was recorded as cultivator for an extent of acs.3.14 gts in Sy.No.9/2.
- v) Copy of pahani for 1990-91 - name of Bhukya Bhikku (great grandfather) was recorded under cultivation for an extent of acs.3.14 gts. in Sy.No.9/2.
- vi) Copy of pahani for 2010-2011 – name of Bhukya Hemla S/o Bhikku was recorded as cultivator for an extent of acs.3.14 gts in Sy.No.9/2. The land was sold by Bhukya Bhikku i.e. great grandfather of appellant to another Bhukya Bhikya @ Bhikku.
- vii) Copy of pahani for 2017-18 – name of Bhukya Ramulu S/o Bhikku was recorded as cultivator for an extent of acs.3.14 gts in Sy.No.9/2. The land was sold by Bhukya Bhikku i.e. great grandfather of appellant to another Bhukya Bhikya @ Bhikku. Both Bhukya Hemla and Bhukya Ramulu are own brothers and land inherited to them from their father Bhukya Bhikya @ Bhikku.
- viii) Copy of old Rythu Pass Book issued to Sri Bhukya Mangya S/o Bheekya R/o Chunchupalli, Taluq: Kothagudem, District: Khammam (grandfather of appellant) for an extent of acs.3.20 gts in Sy.No.74/E.
- ix) Copy of pahani for 1972-73 - Chunchupalli village – name of Bhukya Mangtya (grandfather of appellant) was recorded in Sy.No.74/E for an extent of acs.3.20 gts.
- x) Copy of pahani for 1978-79 - Chunchupalli village - name of Bhukya Mangtya S/o Bheekya (grandfather of appellant) was recorded in Sy.No.74/E for an extent of acs.3.20 gts.
- xi) Copy of pahani for 1979-80 - Chunchupalli village – name of Bhukya Mangtya S/o Bheekya (grandfather of appellant) was recorded in Sy.No.74/E for an extent of acs.3.20 gts.
- xii) Copy of pahani for 1990-91 - name of Bhukya Mangya (grandfather of appellant) was recorded for an extent of asc.3.20 gts in Sy.No.74/E.
- xiii) Copy of pahani for 2005-2006 - name of Bhukya Kishan

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S/o Mangya (paternal uncle of appellant) was recorded for an extent of acs.3.20 gts in Sy.No.74/E.

- xiv) Copy of pahani for 2010-2011 – name of Bhukya Kishan S/o Mangya (paternal uncle of appellant) was recorded for an extent of acs.3.20 gts in Sy.No.74/E.
- xv) Copy of pahani dt.21.11.2015 – Chunchupalli village: Kothagudem Mandal – Khammam District – Fasli year 1425 (year 2015) – Sy.No.74/E shows an extent of acs.3.20 gts in the name of Sri Bhukya Bitcha S/o Mangya (father of appellant).
- xvi) Copy of pahani for 2017-2018 – name of Bhukya Bitcha S/o Mangya (father of appellant) was recorded for an extent of acs.3.20 gts in Sy.No.74/E.
- xvii) Copy of voter list for the year 1977 – 281 Sujathnagar Assembly Constituency – village: Chunchupalli – Part No.9 – shows name of Bheekya S/o Lakya (great grandfather of appellant) at Sl.No.119 and his wife Bhadri at Sl.No.120 under H.No.1-51.
- xviii) Copy of Electoral Photo Identity Card No.AP/40/281/468145 issued by Electoral Registration Officer, Sujathnagar Assembly Constituency to Sri Bichha Bhukya S/o Mangya (father of appellant) showing age as on 01.01.1995 as 30 years – i.e. year of birth is 1965 – residential address is H.No.2-1-96/1, Chunchupalli village.
- xix) Copy of Employee ID card issued to Sri Bhukya Daniya S/o Bhikya (younger brother of grandfather Sri Bhukya Mangya), employed as Coal Filler in the Singareni Collieries Company Limited at Hemachandrapuram – His date of birth was shown as 19.08.1950 and date of appointment as 01.04.1975 – His address was recorded in the ID card as : Bhukya Daniya, Chunchupalli, Babucamp, Kothagudem – Emp.Code No.0209913.
- xx) Copy of Community and Date of Birth Certificate dt.31.05.2016 issued by the Tahsildar, Kothagudem, wherein it was certified that Sri Bhukya Naresh S/o Bhukya Bitcha, resident of Chunchupalle (v) of Kothagudem Mandal of Khammam District belongs to Lambadis-28 (ST).
- xxi) Copy of Agency Area Certificate bearing Rc.No.D/2907/2016, dt.5.8.2016 issued by Tahsildar, Kothagudem certifying that Sri Bhukya Naresh S/o Bitcha, aged: 20 years belongs to ST Lambadi and is residing at Chunchupalli village of Kothagudem Mandal, Khammam District from 1950 to 2016 which is within the jurisdiction of scheduled area/agency area.
- xxii) Copy of Study & Conduct Certificate issued on 17.06.2012 by Head Mistress, Sri Sai Vidyanikethan School, Vidyanagar Colony, Kothagudem-507101 for studying 2nd class to 6th class from 2003 to 2008.

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- Copy of Study & Conduct Certificate issued on 24.06.2008 by Gazetted Head Master, Govt. High School, Babu Camp, Kothagudem, Khammam Dist. for studying 7th class to 10th class from 24.06.2008 to 23.03.2012.
- Copy of Study, Conduct and Character Certificate – Adm.No.12640 – issued by Principal, K.Y.K.R.Y. & B.N.Goud's Government Junior College, Kothagudem, Khammam District – for studying I year Dairy and II year discontinued from 2012-13 to 2013-14.
- Copy of Study & Conduct Certificate – Adm.No.13126 – issued by I/c.Principal, K.Y.K.R.Y. & B.N.Goud's Government Junior College, Kothagudem, Khammam District – for studying II year Dairy in 2014-15.

xxiii) On the request made by the appellant to submit further proofs to substantiate his claim, time has been granted to him. The appellant has obtained the GP and PESA Gram Sabha (Chunchupalli thanda) Resolutions dt.23.3.2021 wherein the village elders present were – 1) Varanasi Buchiramulu S/o Bellaiah, aged:80 years, OC, R/o Chunchupallilthanda, 2) Azmeera Ramulu S/o Hemla, 74 years, ST, R/o H.No.2-1-91/1, Chunchupalli thanda and 3) Maloth Mangilal S/o Mansingh R/o H.No.1-1-59, 75 years, Agriculture, R/o Chunchupalli thanda – they assembled on the call of Sarpanch and Panchayat Secretary – they stated Sri Bhukya Naresh S/o Bitcha (ST) Lambada, his parents and grandparents/ancestors have been living in Chunchupalli thanda from 70 years and known to them well. Great grandfather of Bhukya Naresh was having land in Sy.No.9/2 measuring an extent of acs.3.16 gts and grandfather Sri Mangtya is also holding an extent of acs.3.20 gts in Sy.No.74/E. Brother of grandfather namely Daniya @ Dhanjya S/o Bheekya was an employee of Singareni company entered into service on 1.4.1975 vide Employee ID No.0209913. The following family tree is also confirmed by the village elders as true.

Bhukya Lakya is great great grandfather. Bhukya Bheekya is great grandfather who has two sons viz., Bhukya Mangya (grandfather of Bhukya Naresh) and Bhukya Daniya. Bhukya Mangya (grandfather) has two sons namely 1) Bhukya Bitcha (father of Naresh) and 2) Bhukya Kishan. Bhukya Bitcha i.e. father of Naresh has four children 1) Bharati (daughter) 2) Naresh (son) 3) Kumari (daughter) and 4) Rajitha (daughter).

9. Vide reference 6th read above, a Notice has been issued to the Appellant to attend for hearing on 27.02.2021 before the Government to prove his claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 27.02.2021 and submitted the documents along with Appeal Petition.

10. As seen from the record, Sri Bhukya Naresh S/o Bitcha R/o Chunchupallithanda, Chunchupalli Mandal, Bhadradi Kothagudem

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District has been provisionally selected for the post of Veterinary Assistant under Agency Area Local ST category in Animal Husbandry Subordinate Services through TSPSC by Direct Recruitment vide General Recruitment Notification No.30/2017 – test held on 23.7.2017 and also underwent one year pre-service Veterinary Assistant training.

11. Sri Badisha Mohan Rao S/o Bikshamaiah and 9 others have filed Writ Petition No.24914 of 2018 praying the Hon'ble High Court to issue an appropriate writ, order or orders or directions more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent Authorities in not conducting enquiry in respect of obtaining false local ST certificates produced by the 11 selected candidates with Veterinary Assistants with Hall Ticket Nos. (1) 3020171223, (2) 3020171630, (3) 3020171746 (4) 3020170481 (5) 3020170254 (6) 3020171356 (7) 3020173115 (8) 3020179341 (9) 3020172283 (10) 3020173375 and (11) 3020171443 in pursuance to the Recruitment Notification No.30/2017, dated 02.06.2017 for filling up the posts of Veterinary Assistants in Agency Area of Khammam District in spite of submitting representations, dt.2.7.2018 to all the authorities and taking steps to issue appointment orders is illegal, arbitrary, biased, unconstitutional, against the principles of natural justice and violative of Article 14, 16 and 21 of the Constitution of India and consequently direct the Respondents Authorities to conduct thorough verification in respect of the certificates and to appoint the Petitioners as per their merit in the said posts.

12. The petitioners have also filed two I.As in the above WP i.e. 1/2018 praying to issue interim orders directing the Respondent Authorities not to issue any appointment orders to the persons with the above Hall Tickets, pending disposal enquiry, pending disposal of WP No.24914 of 2018 on the file of the High Court; and IA 2/2018 to issue a direction directing the Respondents particularly the District Collector, Khammam District (Nodal Officer) and the Joint Director, Animal Husbandry, Khammam forthwith to conduct enquiry in respect of the local ST certificates obtained by persons with the above (11) Hall Tickets before issuing appointment orders, pending disposal of the WP No.24914 of 2018, on the file of the High Court.

The Hon'ble High Court made the following Order:

"Learned counsel for the petitioners would submit that illegal selections were made by appointing the candidates who do not belong to local scheduled area.

However, learned counsel for the petitioners would submit that the petitioners could not get the information about the candidates selected except the hall ticket numbers. Thus, it is not possible for the District Collector to verify the correctness of certificates produced by selected candidates.

Learned Standing Counsel for Telangana State Public Service Commission (TSPSC) is directed to obtain the personal information about the Hall Ticket Nos. 3020171223, 3020171630, 3020171746, 3020170481, 3020170254, 3020171356, 3020173115, 3020173941, 3020172283, 3020173375 and 3020171433 of candidates claiming reservation as local Scheduled Tribes, for appointment to the post of Veterinary Assistants in Agency Area of Khammam District, and furnish information to the learned counsel for the petitioners by 02.08.2018.

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The fourth respondent is directed not to make any appointment to the post of Veterinary Assistants in Scheduled Area in Khammam District.

Post on 6.8.2018"

13. Further, the Hon'ble High Court in its order dt.22.10.2019 has disposed of the above WP No.24914 of 2018 making the following order:

"When the matter is taken up for hearing, counsel appearing for the petitioners, the Government Pleaders appearing for respondents 1 to 18, and Sri K.R.Srinivas, counsel appearing for impleaded respondents, have submitted that the issue raised in this writ petition is squarely covered by the order rendered by this Court in WP No.22685 of 2018, dated 14.02.2019, and therefore, the present writ petition can also be disposed of in terms of the said order.

Having considered the above submission, this Court is of the considered view that this writ petition can be disposed of directing the respondents to re-verify the certificates of all the selected candidates within a period of two weeks and, after conducting such verification, the authorities are at liberty to give appointment orders. It is needless to say that the appointment orders be given to the persons whose certificates are genuine.

With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed".

14. The Appellant herein is one of the candidates covered in the above WP bearing Hall Ticket No. 3020173115. The Hon'ble High Court has disposed the above WP on 22.10.2019 directing the official respondents to re-verify the certificates of the selected candidates and give appointment orders to the persons whose certificates are genuine.

15. Accordingly, the Scrutiny Committee constituted under GO Ms.No.24, TW (LTR) Dept. dt.12.6.2018 had conducted inquiry into the veracity of the Agency Area local ST status of the appellant Sri Bhukya Naresh S/o Bitcha and rejected his plea on the grounds as stated under para (7) above.

16. As per the documents submitted by the appellant under para (8)(i) to (xxiii), the appellant Sri Bhukya Naresh S/o Bitcha and is found that his family has been continuously living in Churchupalli thanda Gram Panchayat of Churchupalli Mandal in Bhadradri Kothagudem District, which is an agency village, from before 1950. The Tahsildar, Kothagudem (erstwhile Mandal) after causing discrete enquiry has issued Agency Area Certificate to the appellant bearing Rc.No.D/2907/2016, dt.05.08.2016.

17. Government after careful examination of the above documentary evidences, the appellant Sri Bhukya Naresh S/o Bitcha is treated as local ST of Churchupalli thanda, an agency village from before 1950.

17. Accordingly, the appeal filed by Bhukya Naresh S/o Bitcha R/o Churchupalli village & Mandal, Bhadradri Kothagudem District before the Government under GO Ms.No.24, dt.12.6.2018 of TW (LTR.1) Department is

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allowed treating the Local ST Agency Certificate bearing No.D/2907/2016, dt.05.08.2016 issued to him by the Tahsildar, Kothagudem, as genuine and valid. The claim rejected by the PO ITDA Bhadrachalam & Chairman, DLSC in Lr.Rc.No.A1/DD (TW)/1621/2019, dt.25.02.2021, is set-aside.

18. The Collector & District Magistrate, Bhadradi Kothagudem District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

1. The Collector & District Magistrate, Bhadradi Kothagudem District.
2. Bhukya Naresh S/o Bitcha R/o H.No.2-1-2/4, Chunchupalli village & Mandal, Bhadradi Kothagudem District

Copy to:

1. The Secretary, Telangana State Public Service Commission, Hyderabad (for information & necessary action)
2. The Collector & District Magistrate, Khammam District.
3. The Project Officer, ITDA, Bhadrachalam, Bhadradi Kothagudem District(for information & necessary action)
4. The Director, Veterinary & Animal Husbandry Department, TS, Hyderabad (for information & necessary action)
5. District Veterinary & Animal Husbandry Officer, Khammam District (for information & necessary action)
6. District Veterinary & Animal Husbandry Officer, Bhadradi Kothagudem District (for information & necessary action)
7. The PS to Hon'ble Minister for ST Welfare for information.
8. The PS to Secretary (TW)
9. The PS to Special Secretary (TW)
10. SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER